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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/620,754 | 07/15/2003 | Tracy Zetko-White | 020768 | 8998 |
| 23696 | 7590 | 09/19/2005 | EXAMINER | |
| Qualcomm, NC 5775 Morehouse Drive San Diego, CA 92121 | | | KHUU, HIEN DIEU THI | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2863 | |
| DATE MAILED: 09/19/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/620,754

Applicant(s)

ZETKO-WHITE, TRACY

Examiner

Cindy D. Khuu

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-13, 15-20, 22-29, 31-36, 38-45, and 47-48 is/are rejected.
- 7) ☒ Claim(s) 5, 14, 21, 30, 37 and 46 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION***Drawings Objection***

Figures 1, 3 and 5 are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 118 and 120. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Figures 1, 3, 5 and 8 is objected to under 37 CFR 1.83(a) because they fail to show elements 122 and 806 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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Figures 2, 4 and 6 are objected to under 37 CFR 1.83(a) because they fail to show the correct search results as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 6, 15, 22, 31, 38 and 47 are objected to because of the following informality: The word "filed" (Line 2) should be -- field --. Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Hirata et al. (US 2005/0175231).

With respect to claims 1, 10, 17, 26, 33 and 42 Hirata discloses a method, computer-readable medium, and apparatus for performing a test on a product (Fig. 1, Ref. 10), the method comprising: applying a test on a product (Fig. 1, Ref. 10 – Tested for surface defects); if the test indicates a defect in the product, determining whether the defect is external to the product (Fig. 3, Ref. 10 - Defect is determined to a surface defect, e.g. type-A, type-B, type-C, hence, is deemed to be external to 10); and if the defect is determined to be external to the product, skipping repair of the product for the defect (No repair of defect is disclosed, defect result is output to output unit 90, paragraph 0040, lines 4-6, Fig. 1).

With respect to claims 2, 11, 18, 27, 34 and 43, Hirata discloses wherein said determining includes searching a database of external defects (paragraph 0041, lines 4-9).

With respect to claims 3, 12, 19, 28, 35 and 44, Hirata discloses wherein said searching includes searching based on a keyword (featured values, paragraph 0041, lines 6-7).

With respect to claims 4, 13, 20, 29, 36 and 45, Hirata discloses wherein said searching includes searching based on a field (featured values, paragraph 0041, lines 6-7, is deemed to specify a field).

With respect to claims 6, 15, 22, 31, 38 and 47, Hirata discloses wherein said searching includes searching based on a keyword and a field (see claims 3 and 4).

With respect to claims 7, 16, 23, 32, 39 and 48, Hirata discloses wherein said skipping further includes setting status of the defect to "external" (Fig. 1, defect is an external surface defect hence the 'external' status).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 9, 24, 25, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirata et al. (US 2005/0175231) in view of Hsia (US 2004/0186686).

With respect to claims 8, 24 and 40, Hirata teaches everything claimed, as applied above, with the exception assigning the product for repair, if the defect is determined to be not external to the product. However, to do so is well known as taught by Hsia. Hsia teaches of assigning the product for repair, if the defect is determined to be not external to the product (Fig. 4, Ref. 410).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to assign the product for repair, if the defect is determined to be not external to the product as disclosed by Hsia for the purpose of resolving the reported defect so that the product is repaired and the expected result is obtained (Column 1: Paragraph 0012).

With respect to claims 9, 25 and 41, Hirata further teaches wherein said assigning further includes setting status of the defect to "active" (existence of a defect, hence defect is deemed 'active').

Allowable Subject Matter

Claims 5, 14, 21, 30, 37 and 46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, taken alone or in combination, fails to disclose or render obvious, which makes the following claims allowable over the prior art:

With respect to claims 5, 14, 21, 30, 37 and 46, wherein said field includes a product version, a device name, a platform, a browser, and an area.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Durrant et al. (US 2002/0138782), Gomes et al. (US 2005/0050096), Raghumandan (6,760,722), Kent et al. (6,240,633), Oikawa et al. (US 6,459,292).

Fax/Telephone Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy D. Khuu whose telephone number is (571) 272-8585. The examiner can normally be reached on M-F, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from

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either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

all 9/15/05



MICHAEL NGHIEM
PRIMARY EXAMINER